

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JAN -6 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2011-0262-PR
)	DEPARTMENT A
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
MANYELLE DESHAWN CLAY,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20081286

Honorable Howard Hantman, Judge

REVIEW GRANTED; RELIEF DENIED

The Hopkins Law Office, P.C.
By Cedric Martin Hopkins

Tucson
Attorneys for Petitioner

B R A M M E R, Judge.

¶1 Petitioner Manyelle Clay seeks review of the trial court’s order denying his petition for post-conviction relief, filed pursuant to Rule 32.1, Ariz. R. Crim. P. “We will not disturb a trial court’s ruling on a petition for post-conviction relief absent a clear abuse of discretion.” *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). Clay has not sustained his burden of establishing such abuse here.

¶2 After a jury trial, Clay was convicted of possession of a deadly weapon by a prohibited possessor. The trial court imposed an enhanced, presumptive ten-year term of imprisonment. This court affirmed Clay’s conviction and sentence on appeal. *State v. Clay*, No. 2 CA-CR 2009-0091 (memorandum decision filed May 28, 2010). Clay initiated post-conviction proceedings and argued in his petition for post-conviction relief that trial counsel had been ineffective in failing to object to certain testimony that was read to the jury and in not having certain DNA¹ testing performed. He also maintained that appellate counsel had been ineffective in failing to raise an argument based on *State v. Saenz*, 98 Ariz. 181, 403 P.2d 280 (1965), in relation to that testimony and that the court was required to order additional DNA testing. The trial court denied relief.

¶3 On review, Clay essentially repeats the arguments he made below, maintaining the trial court erred in rejecting them. We cannot say, however, that the court abused its discretion in denying Clay’s petition for post-conviction relief. The court clearly identified the claims Clay had raised and resolved them correctly in a thorough, well-reasoned minute entry, which we adopt. *See State v. Whipple*, 177 Ariz. 272, 274,

¹deoxyribonucleic acid

866 P.2d 1358, 1360 (App. 1993) (when trial court correctly rules on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court rehashing the trial court’s correct ruling in a written decision”). Therefore, although we grant the petition for review, we deny relief.

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge